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February 12, 2025

Hon. Miroslav Lovric
Federal Building and US Courthouse
15 Henry Street
Binghamton, New York 13901

Re: **Happy Hour Drinks Company, Inc. vs. Can Man, LLC d/b/a Best Bev Co., and
Best Bev LLC**
Case No.: 3:24-cv-00047(TJM/ML)
Our File No.: 2024-116

Dear Magistrate Judge Lovric:

I submit this letter as a status report on behalf of the defendants. I concur with Plaintiff's counsel's assessment with the status of discovery. Both parties have made substantial progress in completing discovery with multiple depositions having been completed. We have both been working diligently in scheduling and completing depositions. As referenced by Plaintiff's counsel, defendants are awaiting responses to outstanding discovery responses to a second set of demands and based upon the testimony of Matthew Morton taken today, a third set of demands will be served by next week. These responses are needed for defendant's expert to review on the damages aspect of this action. It would be extremely difficult to get these records to our expert and obtain a meaningful analysis of the same in the next 30 days especially given the fact we do not have the responses to the outstanding discovery as of yet.

As set forth by plaintiff's counsel in his status report, I also concur with his request for an additional 60 days on all deadlines. I believe that this final request is sufficient to allow both plaintiff and defendants the opportunity to complete discovery without causing prejudice to either party. This request should also bring further clarity on the issue of disclosure of the financial records prior to the deadline to provide expert witness disclosure and provide the parties with a better understanding of the status of the declaratory judgment action. Both parties continue to proceed with discovery regardless of the outcome of defendants' Rule 72 motion and regardless of the status of the declaratory judgment action.

I thank the Court for its attention to this matter.

Very truly yours,

COOK, KURTZ & MURPHY, P.C.

A handwritten signature in black ink, appearing to read "Eric M. Kurtz". The signature is fluid and cursive, with a prominent initial "E" and a stylized "K".

ERIC M. KURTZ

EMK:tmr

cc: Joseph A. Churgin, Esq.
Savad Churgin